

ENTERED

November 28, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff-Respondent,	§	
	§	CRIMINAL ACTION NO. H-13-0491-01
v.	§	CIVIL ACTION NO. H-18-4039
	§	
CLARENCE BERNARD BUCK,	§	
	§	
Defendant-Movant.	§	

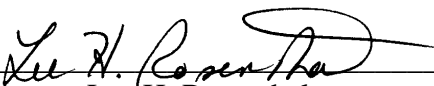
ORDER

Defendant-Movant Clarence Bernard Buck, a federal prisoner, has filed a motion to vacate, set aside, or correct a sentence under 28 U.S.C. § 2255. (Crim. Dkt. No. 693). Buck has filed a petition asking Chief Judge Lee Rosenthal to reassign his case. Buck argues that presiding United States District Judge David Hittner's rulings during his original trial demonstrate bias.

Motions governed by 28 U.S.C. § 2255 must be filed with the sentencing court. *See Swain v. Pressley*, 430 U.S. 372 (1977); *United States v. Flores*, 616 F.2d 840, 842 (5th Cir. 1980). Buck's request for reassignment of his § 2255 motion based on "biased" rulings by the trial court has no legal basis. These rulings, standing alone, are not a basis for recusal or reassignment. *See Liteky v. United States*, 510 U.S. 540, 555 (1994); *see also In re Hipp, Inc.*, 5 F.3d 109, 116 (5th Cir. 1993) (adverse rulings against a party in the same or a prior judicial proceeding "do not render the judge biased").

Buck's petition for reassignment, (Crim. Dkt. No. 697), is denied.

SIGNED on November 28, 2018, at Houston, Texas.



Lee H. Rosenthal
Chief United States District Judge